

REMARKS

Claims 1-25 are pending. Of these, claims 1, 14 and 18 are written in independent format.

§ 102 REJECTION – JONG ‘534 PATENT

Beginning on page 2 of the Office Action, claims 1 and 18-22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,107,534 to de Jong et al. (“the de Jong ‘534 patent”). This rejection is traversed.

As will be explained, a distinction over the de Jong ‘534 patent of claim 1 is illustrating at least two overlapping but separate hierarchies in the same mosaic-like graphic.

The Examiner has directed Applicant’s attention to FIG 15 of the de Jong ‘534 patent. FIG 15 illustrates an “Enterprise Window” in which a “Logical Devices” tab 200b has been selected. FIG 13 represents a counterpart Enterprise Window albeit in which a “Physical Devices” tab 200a has been selected instead of Logical Devices tab 200b.

By inspection of FIGS 13 and 15, four (4) columns are depicted, namely, hosts, subsystems, controllers and drives. A host, e.g., 104a, is a server on an enterprise network 102; see column 5, line 31-35, and column 7, line 51. A subsystem is a “storage enclosure”; see column 9, line 65. A storage enclosure is storage appliance or storage resource; see column 5, lines 1-10.

FIGS 13 and 15 depict network 102; see column 9, line 57. More particularly, by inspection, the hosts-column in FIGS 13 and 15 depicts network 102 as consisting of three (3) hosts, namely “Waterloo”, “Another”, and “Yet Another”. Of those, host Waterloo is depicted as having been selected. By selecting host Waterloo, the subsystem-column (again, storage-appliance-column) accordingly depicts all of the storage appliances attached to host Waterloo; see column 9, lines 62-64. By inspection, storage appliances “Compaq K 104” and “Digital Z3” are attached to host Waterloo.

Of the storage appliances depicted in FIGS 13 and 15 as being attached to host Waterloo, storage appliance Compaq K 104 is depicted as having been selected. By selecting storage appliance Compaq K 104, the controller-column accordingly depicts all of the controllers in storage appliance Compaq K 104; see column 9, lines 64-67. By inspection, controller "A110" is included in storage appliance Compaq K 104. Controller A110 also is depicted as having been selected. By selecting controller A110, the drives-column accordingly depicts all of the drives that controller A110 controls; see column 10, lines 1-2. By inspection, drives A, B and C are controlled by controller A110.

For the sake of discussion, Applicant will assume that FIGS 13 and 15 of the de Jong '534 patent depict one hierarchy, namely the hierarchy of network 102. Viewing FIGS 13 and 15 in a horizontal direction reveals the hierarchy. Viewing from left to right, the hierarchy becomes more granular.

There is, however, no second (nor third, etc.) hierarchy depicted in FIGS 13 and 15. For example, viewing the hosts-column (of FIGS 13 and 15) vertically does not reveal a separate hierarchy. Rather, the hosts "Another" and "Yet Another" are merely nodes in the same hierarchy (and at the same level therein) as is the host Waterloo. **Question:** How is it that the Examiner observes a second hierarchy in FIGS 13 and 15? **Question:** Where is overlap depicted?

Furthermore, Applicant submits that it is unreasonable for the Examiner to interpret the graphic named Enterprise window 200 as being a mosaic-like graphic.

Thus, a distinction over the de Jong '534 patent of claim 1 is illustrating at least two overlapping but separate hierarchies in the same mosaic-like graphic. Again, FIGS 13 and 15 of the de Jong '534 patent depict only one hierarchy, and furthermore does not do so via a graphic that is mosaic-like.

Independent claim 18 recites features similar to the noted distinction of claim 1, and thus at least similarly distinguishes over the de Jong '534 patent.

Claims 19-22 depend at least indirectly from claim 18, respectively, and thus at least similarly distinguish over the de Jong '534 patent.

By failing to disclose each element of the rejected claims, the de Jong '534 patent cannot be regarded as anticipatory. Hence, the §102(e) rejection is improper and its withdrawal is requested.

§ 103 REJECTION – JONG '534 PATENT + KANEVSKY '761 PATENT

Beginning on page 5 of the Office Action, claims 2-17 and 23-25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the de Jong '534 patent in view of U.S. Patent No. 6,426,761 to Kanevsky et al. ("the Kanevsky '761 patent"). This rejection is traversed.

Applicant will assume for the sake of discussion that some portion of the De Jong '534 patent would have been modified according to some portion of the Kanevsky '761 patent.

CLAIMS 2-13 AND 23-25

It is noted that the Examiner has not relied upon the Kanevsky '761 patent as a teaching of the distinction over the de Jong '534 patent of claim 1, noted above. Nor would it be reasonable for the Examiner to interpret the Kanevsky '761 patent as such.

Claims 2-13 and 23-25 depend at least indirectly from claims 1 and 18, respectively, and thus at least similarly distinguish over the de Jong '534 patent, the Kanevsky '761 patent, and the combination thereof.

CLAIMS 14-17

In particular, the Examiner acknowledges that a difference between the de Jong '534 patent and claim 14 is that the de Jong '534 patent does not teach re-sizing relative footprints of icons. However, the Examiner believes that such is taught by the Kanevsky '761 patent and further believes that it would have been obvious to modify the de Jong '534 patent according to the Kanevsky '761 patent. Applicant disagrees.

The Kanevsky '761 patent teaches that a user can manipulate a GUI to change values regarding how icons are to be depicted by changing values in entry fields 410, 420 and/or 430; see column 6, lines 1-9. In column 6, lines 13-17, the Kanevsky patent states (underlined emphasis added):

Thus, the invention provides for the automatic arrangement of icons by exploiting combinations of criteria so that the icon arrangements (e.g., clusters) provide visual feedback to users on the relatedness of information represented by icons.

Applicant will assume for the sake of discussion that the “automatic arrangement” mentioned in the above-quoted passage refers to automatic resizing of icons resulting from a user making changes to any of entry-fields 410, 420 and/or 430.

Claim 14, however, recites manipulating a relationship of resources in said iconically illustrated system. That is, claim 14 does not recite manipulating values having a direct relationship to relative footprints of said icons. Rather, claim 14 describes an indirect relationship by reciting the re-sizing of areas, in response to said manipulating, of the relative footprints of said icons according to an effect upon the corresponding resources, respectively, caused by the relationship manipulation. As such, claim 14 distinguishes over the Kanevsky ‘761 patent (and thus over the De Jong ‘534 patent as well).

Claims 15-17 depend at least indirectly from claim 14, respectively, and thus at least similarly distinguish over the de Jong ‘534 patent, the Kanevsky ‘761 patent, and the combination thereof.

By failing to disclose each element of the rejected claims, a combination of the De Jong ‘534 patent and the Kanevsky ‘761 patent cannot be regarded as a proper basis for an obviousness rationale. Hence, the §103(a) rejection is improper and its withdrawal is requested.

CONCLUSION

The issues raised in the Office Action are considered to be resolved. Accordingly, Applicant again requests a Notice of Allowance.

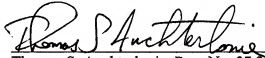
If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge any underpayment or non-payment of any fees required under 37 C.F.R. §§ 1.16 or 1.17, or credit any overpayment of such fees, to Deposit Account No. 08-2025, including, in particular, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, P.L.C.

By:


Thomas S. Auchterlonie, Reg. No. 37,275
P.O. Box 8910
Reston, VA 20195
(703) 668-8000

TSA/cm:tsa